

AMENDED IN SENATE MAY 6, 2014

SENATE BILL

No. 1385

Introduced by Senator Anderson

February 21, 2014

An act to amend Section 6206 of the Government Code, relating to the protection of victims.

LEGISLATIVE COUNSEL'S DIGEST

SB 1385, as amended, Anderson. Protection of victims: alternate physical address.

Under existing law, the Secretary of State is required, as specified, to designate an address for a victim of domestic violence, sexual assault, and stalking that serves as the person's address for the purposes of enabling state and local agencies to respond to requests for public records without disclosing a program participant's residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions.

This bill would ~~require~~ *authorize* the Secretary of State, upon the request of a program participant, to designate an alternate physical address if the participant is prohibited from using a post office box as an address.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6206 of the Government Code, as
- 2 amended by Section 1 of Chapter 676 of the Statutes of 2013, is
- 3 amended to read:

6206. (a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, may apply to the Secretary of State to have an address designated by the Secretary of State serve as the person's address or the address of the minor or incapacitated person. An application shall be completed in person at a community-based victims' assistance program or a community-based assistance program that serves victims of elder or dependent adult abuse pursuant to the Elder Abuse and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code). The application process shall include a requirement that the applicant shall meet with a victims' assistance counselor and receive orientation information about the program. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains all of the following:

(1) A sworn statement by the applicant that the applicant has good reason to believe both of the following:

(A) That the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, or stalking.

(B) That the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(2) If the applicant alleges that the basis for the application is that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence or sexual assault, the application may be accompanied by evidence including, but not limited to, any of the following:

(A) Police, court, or other government agency records or files.

(B) Documentation from a domestic violence or sexual assault program if the person is alleged to be a victim of domestic violence or sexual assault.

(C) Documentation from a legal, clerical, medical, or other professional from whom the applicant or person on whose behalf the application is made has sought assistance in dealing with the alleged domestic violence or sexual assault.

(D) Any other evidence that supports the sworn statement, such as a statement from any other individual with knowledge of the

1 circumstances that provides the basis for the claim, or physical
2 evidence of the act or acts of domestic violence or sexual assault.

3 (3) If the applicant alleges that the basis for the application is
4 that the applicant, or the minor or incapacitated person on whose
5 behalf the application is made, is a victim of stalking, the
6 application may be accompanied by evidence including, but not
7 limited to, any of the following:

8 (A) Police, court, or other government agency records or files.

9 (B) Documentation from a legal, clerical, medical, or other
10 professional from whom the applicant or person on whose behalf
11 the application is made has sought assistance in dealing with the
12 alleged stalking.

13 (C) Any other evidence that supports the sworn statement, such
14 as a sworn statement from any other individual with knowledge
15 of the circumstances that provide the basis for the claim, or physical
16 evidence of the act or acts of stalking.

17 (4) The name and last known address of the applicant's minor
18 child or children, the name and last known address of the other
19 parent or parents of the minor child or children of the applicant,
20 and all court orders related to the minor child or children of the
21 applicant, and legal counsel of record in those cases.

22 (5) A designation of the Secretary of State as agent for purposes
23 of service of process and for the purpose of receipt of mail.

24 (A) Service on the Secretary of State of any summons, writ,
25 notice, demand, or process shall be made by delivering to the
26 address confidentiality program personnel of the office of the
27 Secretary of State two copies of the summons, writ, notice, demand,
28 or process.

29 (B) If a summons, writ, notice, demand, or process is served on
30 the Secretary of State, the Secretary of State shall immediately
31 cause a copy to be forwarded to the program participant at the
32 address shown on the records of the address confidentiality
33 program so that the summons, writ, notice, demand, or process is
34 received by the program participant within three days of the
35 Secretary of State's having received it.

36 (C) The Secretary of State shall keep a record of all summonses,
37 writs, notices, demands, and processes served upon the Secretary
38 of State under this section and shall record the time of that service
39 and the Secretary of State's action.

1 (D) The office of the Secretary of State and any agent or person
2 employed by the Secretary of State shall be held harmless from
3 any liability in an action brought by a person injured or harmed
4 as a result of the handling of first-class mail on behalf of program
5 participants.

6 (6) The mailing address where the applicant can be contacted
7 by the Secretary of State, and the phone number or numbers where
8 the applicant can be called by the Secretary of State.

9 (7) The address or addresses that the applicant requests not be
10 disclosed for the reason that disclosure will increase the risk of
11 domestic violence, sexual assault, or stalking.

12 (8) The signature of the applicant and of any individual or
13 representative of any office designated in writing under Section
14 6208.5 who assisted in the preparation of the application, and the
15 date on which the applicant signed the application.

16 (b) The Secretary of State ~~shall~~ *may* designate an alternate
17 physical address upon the request of a program participant if the
18 participant is prohibited from using a post office box as an address.

19 (c) Applications shall be filed with the office of the Secretary
20 of State.

21 (d) Upon filing a properly completed application, the Secretary
22 of State shall certify the applicant as a program participant.
23 Applicants shall be certified for four years following the date of
24 filing unless the certification is withdrawn or invalidated before
25 that date. The Secretary of State shall by rule establish a renewal
26 procedure. A minor program participant, who reaches 18 years of
27 age during his or her enrollment, may renew as an adult following
28 the renewal procedures established by the Secretary of State.

29 (e) Upon certification, the Secretary of State shall, within 10
30 days, notify the other parent or parents identified pursuant to
31 paragraph (4) of subdivision (a) of the designation of the Secretary
32 of State as agent for purposes of service of process and, unless
33 there is a court order prohibiting contact, the address designated
34 by the Secretary of State for the program participant. The notice
35 shall be given by mail, return receipt requested, postage prepaid,
36 to the last known address of the other parent to be notified. A copy
37 shall also be sent to that parent's counsel of record, if provided to
38 the Secretary of State by the applicant.

39 (f) A person who falsely attests in an application that disclosure
40 of the applicant's address would endanger the applicant's safety

1 or the safety of the applicant's children or the minor or
2 incapacitated person on whose behalf the application is made, or
3 who knowingly provides false or incorrect information upon
4 making an application, is guilty of a misdemeanor. A notice shall
5 be printed in bold type and in a conspicuous location on the face
6 of the application informing the applicant of the penalties under
7 this subdivision.

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